IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1498 of 2001 (M/B)
(Old No. 11384 of 1997)

Bhuwan Chandra Bhatt,
Son of late Buddi Ballabh Bhatt,
Resident of Village Nauta, Post – Patali,
(Baijnath),
District – Almora. …...Petitioner

Versus

1. Uttar Pradesh Small Industries Cooperation Ltd. (State Government undertaking) 110, Industrial Estate Fajalganj, Kanpur. 208012 through the Executive Engineer.

2. The Chief Secretary,
Udyog Vibhag,
Uttar Pradesh Shasan,
Lucknow. ……Respondents

……

Mr. M.C. Kandpal, Senior Advocate with Mr. Kurban Ali, Advocate for the petitioner.
Mr. Deepak Rawat, Advocate for Respondent no.1.
Mr. N.C.Gupta, Advocate for Respondent no.2.

JUDGMENT

Coram: Hon. Rajeev Gupta, C. J.
Hon. M.M.Ghildiyal, J.

Rajeev Gupta,C. J. (Oral)

Mr. M.C. Kandpal, Senior Advocate with Mr. Kurban Ali, Advocate for the petitioner.
Mr. Deepak Rawat, Advocate for Respondent no.1.
Mr. N.C. Gupta, Advocate for Respondent no.2.

2. The petitioner has filed this writ petition for the following reliefs:

"(a) to issue a writ of mandamus or order or direction in the nature of mandamus commanding and directing the respondents to pay the balance amount of arrears of the work done by the petitioner to the tune of Rs. 2,00,000/- (Two lacs) with interest at rate of 12% thereon and the security money deposited by the petitioner with the department;

(b) to issue any other writ, or order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case:

(c) to award costs of this petition to the petitioner."

3. The matter arises out of the alleged breach of contractual obligation between the parties. In our opinion, it would be appropriate for the petitioner to file a civil suit for the redressal of his grievances projected in the petition as the disputed questions of fact involved in the matter cannot be resolved in the proceedings under Article 226 of the Constitution of India.

4. With the above observation, the writ petition stands disposed of.

(M.M.Ghildiyal, J.) **(Rajeev Gupta, C.J.)**

03.03.2006
A